

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

US FOODS, INC., a Delaware corporation,

Plaintiff,

v.

RESTAURANT LOGISTICS SOLUTIONS,
CORP., a Florida profit corporation, and
RHINA GOMEZ, an individual,

Defendants.

Case No.: 21-cv-05567
Honorable Jorge L. Alonso

**MOTION TO VACATE DEFAULT JUDGMENT AND
GRANT LEAVE TO FILE RESPONSIVE PLEADING**

Defendants, RESTAURANT LOGISTICS SOLUTIONS, CORP., a Florida profit corporation, and RHINA GOMEZ, an individual, by and through their attorneys, THE MEMMEN LAW FIRM, LLC, hereby move that any and all defaults, technical or otherwise, be vacated, and leave be given instanter to file an Answer or to otherwise plead on or by March 21, 2022. In support of thereof, Defendants state as follows:

1. On October 20, 2021, US Foods filed its Complaint against the Defendants, and Defendants were served on November 2, 2021. *Defendants' Exhibit A – Plaintiff's Motion for Entry of Default Judgment.*
2. Plaintiff's Complaint alleges, *inter alia*, breach of contract by Defendant, RESTAURANT LOGISTICS SOLUTIONS, CORP., and furthermore claims that the company's owner, Defendant, RHINA GOMEZ, is also liable to Plaintiff as a personal guarantor to the contract. *Id.*

3. On December 7, 2021, Plaintiff filed motions for entry of default against the Defendants. *Id.*
4. On December 20, 2021, the Court entered an order granting the Default Motions and entering default against the Defendants pursuant to Rule 55(a).
Id.
5. On February 4, 2022, Plaintiff filed a motion for entry of default judgment. *Id.*
6. On February 11, 2022, Plaintiff presented said motion for entry of default judgment to the Honorable Judge Jorge L. Alonso. *Id.*
7. Due to disability, hospitalization, and other exigent circumstances, Defendant, RHINA GOMEZ, was unable to retain an attorney and appear, plead, or otherwise answer Plaintiff's Complaint in a timely manner. See, *Defendants' Exhibit B – Letter from Kendall Regional Medical Center*. See also, *Defendants' Exhibit C – Social Security Administration Notice of Award*.
8. Defendants have since retained an attorney and filed an appearance on February 21, 2022.
9. Defendants therefore respectfully request that any defaults be vacated, and that Defendants be granted leave to investigate Plaintiff's claims and file an answer or to otherwise plead on or by March 21, 2022.

WHEREFORE, Defendants respectfully request that the Court enter an order vacating any and all defaults, technical or otherwise, and granting leave instanter to file an Answer or to otherwise plead on or by March 21, 2022.

Respectfully Submitted,
RESTAURANT LOGISTICS
SOLUTIONS, CORP., a Florida profit
corporation, and RHINA GOMEZ, an
individual

By: /s/ Alexander McH. Memmen
One of Plaintiff's attorneys

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